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Intellectual Property Practice

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MAR 12 2004

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Date: March 12, 2004

To: Examiner: Ram N. Kackar
Art Unit: 1763

Fax No.: 703-872-9306

From: Stephen P. Burr

Subject: U.S. Application Ser. No. 10/068,791
Filed: February 6, 2002
Conf. No.: 7478
Title: SUSCEPTOR SUPPORTING CONSTRUCTION

Our Ref.: 782_217

You should receive 7 page(s) including this cover sheet. If you do not receive all pages, please call (315) 233-8300.**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that the following paper(s) is/are being facsimile transmitted to 703-872-9306 at the Patent and Trademark Office on March 12, 2004:

- Transmittal (in duplicate) 2 pages
- Request for Reconsideration 4 pages
- This Cover Sheet 1 pages



Total Pages
—
Janet M. Stevens

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BURR & BROWN

TRANSMITTAL FORM

(Provisions of 37 CFR 1.136 Apply)

Application Number	10/068,791	Filing Date	February 6, 2002
Group Art Unit	1763	Examiner Name	Ram N. Kackar
Confirmation No.	7478	Attorney Docket No.	782_217
Inventor(s)	Kazuaki YAMAGUCHI, Yoshinobu GOTO		
Invention:	SUSCEPTOR SUPPORTING CONSTRUCTION		

Transmitted herewith is a Request for Reconsideration in the above-identified application. The fee has been calculated as follows:

CLAIMS

(1)	(2) Claims Remaining	(3)	(4) Highest Number Previously Paid	(5) No. of Extra Claims Present	(6) Rate (Large Entity)	(7) Additional Fee
TOTAL CLAIMS	7	MINUS	20	0	\$18.00	\$00.00
INDEP. CLAIMS	1	MINUS	3	0	\$86.00	\$00.00
TOTAL ADDITIONAL FEE						\$00.00

EXTENSION OF TERM

Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above-identified application. The requested extension and appropriate non-small entity fee are as follows:

One Month (37 CFR 1.17(a)(1)) \$110.00

Two Month (37 CFR 1.17(a)(2)) \$420.00

Three Month (37 CFR 1.17(a)(3)) \$950.00

110.00

TOTAL FEES DUE

Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount is reduced by one-half, and the resulting fee is:

FEE PAYMENT

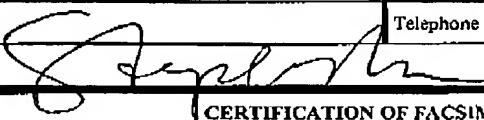
No additional fee is required.

A check in the amount of \$ _____ is enclosed.

Charge Deposit Account 50-1446 in the amount of \$110.00. Enclosed is a duplicate copy of this sheet.

Please charge any fees which may be required, or credit any overpayment, to Deposit Account 50-1446.

Submitted By:

Name (Print Type)	Stephen P. Burr	Reg. No.	32,970	Customer No.	025191
Signature		Telephone	(315) 233-8300	Facsimile	(315) 233-8320
Date					March 12, 2004

CERTIFICATION OF FACSIMILE TRANSMISSION

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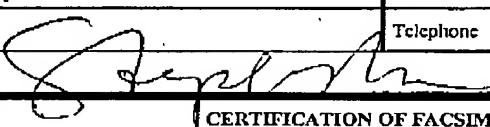
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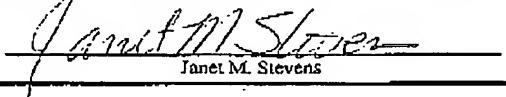
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Submitted By:

Name (Print Type)	Stephen P. Burr	Reg. No.	32,970	Customer No.	025191
Signature		Telephone	(315) 233-8300	Facsimile	(315) 233-8320
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Janet M. Stevens

Practitioner's Docket No.: 782_217

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Kazuaki YAMAGUCHI, Yoshinobu GOTO

Ser. No.: 10/068,791

Group Art Unit: 1763

Filed: February 6, 2002

Examiner: Ram N. Kackar

Confirmation No.: 7478

For: SUSCEPTOR SUPPORTING CONSTRUCTION

Mail Stop AF
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

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Janet M. Stevens

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REQUEST FOR RECONSIDERATION - AFTER FINAL REJECTION

Sir:

The following remarks are in response to the Final Office Action mailed November 12, 2003.

1. Claims 1-7 are pending herein. Examiner Kackar is thanked for courtesies extended to Applicants' representative (Steven Caldwell) during a telephonic interview on March 5, 2004, multiple telephone interviews on March 11, 2004 and a telephonic interview on March 12, 2004. During the telephonic interviews on March 11, 2004, Examiner Kackar agreed that it is improper to combine multiple embodiments of a prior art reference in an attempt to meet the limitation of a claim when every feature of the claim is not arranged in the prior art specifically in the manner required by the claim. Examiner Kackar requested that Applicants submit their written comments explaining the reasons why the embodiments shown in Figs. 2 and 8 of Aruga do not disclose each and every limitation as arranged in pending claim 1. As requested by Examiner Kackar, the following remarks, with supporting case law, are being submitted to show that even if Figs. 2 and 8 of Aruga were combined as asserted in the Office Action, there would still be no disclosure or suggestion that the one or more continuous round portions recited in pending claim 1 would be arranged in the manner required by pending claim 1.

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Claims 1 and 7 were rejected under § 102(b) over Aruga et al. This rejection is respectfully traversed.

With reference to Fig. 1 of the present application, for example, pending claim 1 recites, among other things, a susceptor supporting construction including a susceptor 2 and a supporting member 7. The supporting member includes a first wall portion 7b defining a tubular main portion and a second wall portion 7a defining a diameter extending portion at a portion of the supporting member facing the susceptor. One or more continuous round portions 13 (shown in Fig. 2) are arranged between the tubular main portion and the diameter extending portion. Pending claim 1 also recites that a portion of an outer surface of the second wall portion is substantially parallel to a portion of an outer surface of the first wall portion.

Anticipation under 35 U.S.C. §102 means lack of novelty, and is a question of fact. To anticipate, every element and limitation of the claimed invention must be found in a single prior art of reference, arranged as in the claim. (*Brown v. 3M*, 60 USPQ2d 1275, 1376 (CAFC 2001) (citing *Karsten Mfg. Corp. v. Cleveland Golf Co.*, 242 F.3d 1376, 1383, 58 USPQ2d 1286, 1291 (Fed. Cir. 2001); *Scripps Clinic & Research Foundation v. Genentech, Inc.*, 927 F.2d 1565, 1576, 18 USPQ2d 1001, 1010 (Fed. Cir. 1991)); see also, *Ex parte Gould*, 6 USPQ2d 1680, 1682 (BdPatApp&Int 1987) (In reversing the Examiner's decision refusing to allow the claims on appeal, the board held that "while all the elements of his claimed device were known (and are shown in Partington), the elements were not arranged in the manner required by the claims").

Aruga does not disclose or suggest a susceptor assembly including a supporting member having first and second wall portions that are substantially parallel with respect to one another and one or more continuous round portions arranged between the first wall portion and the second wall portion, as recited in pending claim 1. During the above-mentioned telephonic interviews, in addition to a previous telephonic interview on September 25, 2003, the PTO agreed that cylindrical member 25 shown in Fig. 2 of Aruga does not include any portion having a round portion, as claimed. The PTO also agreed that in Aruga's Figures showing what could arguably be deemed round portions, for example, Fig. 8, there is no portion of the second wall portion that is parallel to a portion of the first wall portion, as claimed. In this respect, the PTO further agreed that while Fig. 8 of Aruga shows that a heater support tube 140 may include a round portion arranged between first and second wall portions having outer surface portions that appear to be substantially parallel to one another,

the susceptor stem 120 itself does not include a portion of an outer surface of the second wall portion that is substantially parallel to a portion of an outer surface of the first wall portion, as claimed.

The PTO's position in the Office Action is apparently that Fig. 8 of Aruga shows that a round portion (not numbered) can be included in the upper portion of the cylindrical member 25 between the central and enlarged portions of the cylindrical member. Aruga's Fig. 8, however, if anything, shows a round portion at the interface between the susceptor stem 120 and the wafer support plate assembly 100. Following the PTO's logic asserted in the Office Action, therefore, if the round portion shown in Aruga's Fig. 8 were to be incorporated into the structure shown in Fig. 2 of Aruga (Applicants submit there would be no motivation to do this), the round portion would not be positioned between the diameter extending portion and the central portion of the cylindrical member 25. It is clear, rather, that, if anything, the round portion would be positioned at the interface between cylindrical member 25 and the susceptor wafer support plate 39. Thus, even if one were to combine Aruga's Figs. 2 and 8 as asserted in the Office Action, *the claimed one or more round portions feature would not be arranged in the manner recited by pending claim 1*. Again, anticipation under §102 requires that every element and limitation of the claimed invention must be found in a single prior art reference, *arranged as in the claim*. See, *Brown v. 3M*, USPQ2d at 1376.

In view of all of the foregoing, reconsideration and withdrawal of the §102(b) rejection over Aruga are respectfully requested.

As discussed during the telephonic interview on March 12, 2004, Examiner Kackar agreed to contact Applicant's representative (Steven Caldwell) prior to mailing any further PTO papers in this application.

If Examiner Kackar believes that contact with Applicants' attorney would be advantageous toward the disposition of this case, he is herein requested to call Applicants' attorney at the phone number noted below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

Respectfully submitted,



Stephen P. Burr
Reg. No. 32,970

March 12, 2004

Date

SPB:SWC:jms

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